

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ALI NIMEH,

Plaintiff,

vs.

PENAUILLE SERVISAIR LLC f/k/a GLOBE  
GROUND NORTH AMERICA LLC; and  
SERVISAIR LLC,

Defendants.

FILED: APRIL 15, 2008  
Case No. 08CV2127 TG  
JUDGE DOW  
MAGISTRATE JUDGE DENLOW

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DEFENDANT SERVISAIR LLC'S PETITION FOR REMOVAL

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Defendant, Servisair LLC ("Servisair"), by and through its attorneys, Dombroff Gilmore Jaques & French, PC, hereby removes the action filed in the Circuit Court of Cook County, Illinois pursuant to 28 U.S.C. § 1441, *et seq.* and in support thereof states as follows:

1. On or about March 12, 2008, the Plaintiff, Ali Nimeh, filed his complaint in the Circuit Court of Cook County, Illinois alleging negligence by Servisair and Penauille Servisair LLC f/k/a Globe Ground North America ("Penauille"). A copy of the Complaint is attached hereto as **Exhibit "A"**.

2. Servisair and Penauille are, in fact, the same entity. Penauille changed its name to Servisair LLC on or about September of 2007.

3. On or about March 26, 2008, Servisair was served with a copy of the aforementioned complaint.

4. At all times relevant to this matter, Plaintiff is a citizen of the State of Illinois, with his primary residence at 8401 West Peter Ter., Niles, Illinois.

5. At all times relevant to this matter, and as set forth in the Affidavit of Dino Noto, attached hereto as **Exhibit "B"**, Defendant is a Delaware Limited Liability Company with its principal place of business in Houston, TX and membership as follows:

35.8% owned by Penauille Holding, Inc.  
64.27% owned by Servisair Holding, Inc.

6. Both Penauille Holding, Inc. and Servisair Holding, Inc. have their principal places of business in Houston, Texas.

7. The *ad damnum* contained in Plaintiff's complaint is jurisdictional for the purposes of the Circuit Court of Cook County Illinois and not necessarily an accurate measure of the actual damages being sought by the Plaintiff. On March 31, 2008, Counsel for Servisair contacted Defendant's attorney to inquire as to the likely size of Plaintiff's claim. Specifically, Servisair's attorney inquired whether Plaintiff's injuries were likely to result in an *ad damnum* in excess of \$75,000.

8. Counsel for Plaintiff indicated that the Plaintiff's alleged injuries included a slipped and/or torn disc and that accordingly the size of Plaintiff's claim would certainly exceed \$75,000.

9. It is thus apparent that the damages being asserted by each Plaintiff exceed the \$75,000.00 required by 28 U.S.C. 1332(a).

10. Plaintiffs and Defendant are of complete diversity of citizenship, now and at the time of the incident complained of in the Plaintiff's Complaint.

11. Accordingly, this Court has jurisdiction pursuant to 28 U.S.C. §1332 on the basis that there is complete diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.

12. This notice is filed within the time provided by 28 U.S.C. § 1446(b). See Ocampo v. Renard Machine Co., 2002 U.S. Dist. LEXIS 22028, \*6-7 (N.D. Ill. Nov. 13, 2002).

13. The underlying State court action is one which may be removed to this Court by Defendant pursuant to provisions of 28 U.S.C. §1441 because the matter in controversy exceeds the sum or value of \$75,000 and is between citizens of different states.

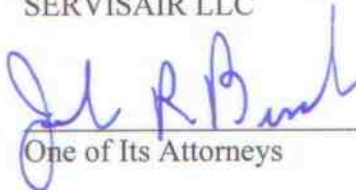
14. A copy of this Petition for Removal will be promptly served upon the parties and filed with the Clerk of the Circuit Court of Cook County, Illinois in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, for the foregoing reasons, the Defendant, Servisair LLC, respectfully gives notice that the action now pending, as referenced above, in the Circuit Court of Cook County, Illinois, has been removed therefrom to this Court.

Dated: April 15, 2008

SERVISAIR LLC

By:

  
One of Its Attorneys

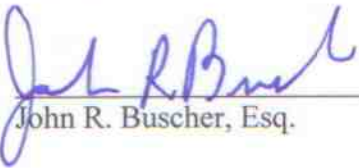
Dennis E. French, Esq.  
ARDC No. 3126101  
John R. Buscher, Esq.  
ARDC No. 6272012  
Dombroff Gilmore Jaques & French PC  
10 South La Salle Street, Suite 1120  
Chicago, Illinois 60603  
312-781-1742  
Attorneys for Servisair LLC

**CERTIFICATE OF SERVICE**

The undersigned attorney deposes and states that a copy of the above-mentioned document, was served upon

Thomas G. Siracusa, Esq.  
Power Rogers & Smith, P.C.  
70 West Madison Street, #5500  
Chicago, Illinois 60602

by depositing same in the U.S. Mail before 5:00 p.m. on the 15<sup>th</sup> day of April 2008 from 10 S. La Salle St., Suite 1120, Chicago, Illinois 60603.

  
\_\_\_\_\_  
John R. Buscher, Esq.

MAGISTRATE JUDGE DENLOW

2120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served By Mail
2420 - Served By Publication	2421 - Served By Publication
SUMMONS	ALIAS - SUMMONS

(Rev. 12/22/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

ALI NIMEH,

Plaintiff,

vs.

**PENAUILLÉ SERVISAIR LLC f/k/a GLOBE  
GROUND NORTH AMERICA LLC; and  
SERVISAIR LLC**

Defendants.

) No. 2008L002804  
)  
) PLEASE SERVE: CALENDAR/ROOM A  
) TIME 00:00  
) PI Motor Vehicle  
)  
) **PENAUILLÉ SERISAIR LLC**  
) c/o Illinois Corporation Service, Registered Agent  
) 801 Adlai Stevenson Drive  
) Springfield, IL 62703  
) AND  
) **SERVISAIR LLC**  
) c/o Illinois Corporation Service, Registered Agent  
) 801 Adlai Stevenson Drive  
) Springfield, IL 62703

**SUMMONS**

To each defendant:

**YOU ARE SUMMONED** and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS, \_\_\_\_\_, 19\_\_\_\_

MAR 17 2003

CLERK

Clerk of Court

Name **POWER ROGERS & SMITH, P.C.**

Thomas G. Siracusa

Attorney for **Plaintiffs**Address **70 W. Madison St., #5500**City **Chicago, Illinois 60602**Telephone **312-236-9381**Atty. No. **31444**\*\*Service by Facsimile Transmission will be accepted at: 312-236-0920

Date of service: \_\_\_\_\_, 19\_\_\_\_

(To be inserted by officer on copy left with  
defendant or other person)

(Area Code) (Facsimile Telephone Number)

**AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

\*Law Division Room 801

Chancery - Divorce Room 802

County Division Room 801

Probate Division Room 1202

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED-2  
2008 MAR 12 PM 2:49  
DOROTHY BROWN  
CLERK OF CIRCUIT COURT  
LAW DIVISION

ALI NIMEH, )  
)  
Plaintiff, ) NO.  
)  
vs. )  
)  
PENAUILLLE SERVISAIR LLC f/k/a GLOBE )  
GROUND NORTH AMERICA LLC; and )  
SERVISAIR LLC )  
)  
Defendants. )

2008L002804  
CALENDAR/ROOM A  
TIME 00:00  
FI Motor Vehicle

COMPLAINT AT LAW

NOW COMES plaintiff, ALI NIMEH (NIMEH), by his attorneys, POWER ROGERS & SMITH, and complaining of defendants, PENAUILLLE SERVISAIR LLC, f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC ("SERVISAIR"), pleading hypothetically and in the alternative, states:

1. On or about May 31, 2006, NIMEH was employed by United Airlines at O'Hare International Airport, Cook County, Illinois.
2. On or about May 31, 2006, SERVISAIR was a foreign corporation doing business at O'Hare International Airport, Cook County, Illinois.
3. On or about May 31, 2006, NIMEH was working at or near a baggage cart at or near the rear of an airplane parked at Gate B-7 at O'Hare International Airport.
4. On or about May 31, 2006, a SERVISAIR jet fuel truck was being operated on the service road at or near Gate B-7 at O'Hare International Airport.
5. At the time and place alleged, the SERVISAIR truck was being operated by an agent and/or employee of SERVISAIR.



6. At the time and place alleged, the agent and/or employee of SERVISAIR was operating the truck in the course of and within the scope of his or her agency and/or employment with SERVISAIR.

7. At the time and place alleged, the SERVISAIR truck veered off of the service road and crashed into a baggage cart tug.

8. At the time and place alleged, the aforesaid tug was connected to the baggage carts on which NIMEH was working.

9. At the time and place alleged, the force of the collision caused the baggage carts to strike NIMEH.

10. At the time and place alleged, as a result of the aforesaid collision, NIMEH was injured.

11. SERVISAIR, through its authorized agent and/or employee, was negligent in one or more of the following respects:

- a. Failing to avoid colliding with another vehicle; or
- b. Failing to keep a proper lookout; or
- c. Failing to maintain its vehicle within the space designated as service road; or
- d. Driving its vehicle at an excessive rate of speed; or
- e. Driving its vehicle carelessly; or
- f. Was otherwise negligent.

12. As a proximate result of one or more of the foregoing negligent acts and/or omissions, NIMEH was injured; has endured and will in the future endure pain and suffering; has become disfigured and disabled; has suffered a loss of earnings; and has been damaged in his capacity to earn.

WHEREFORE, plaintiff ALI NIMEH, by his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against the defendants, PENAUILLE SERVISAIR LLC, f/k/a GLOBEGROUND NORTH AMERICA LLC and SERVISAIR LLC, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

POWER ROGERS & SMITH, P.C.

By:   
Thomas G. Siracusa

POWER ROGERS & SMITH, P.C.  
70 West Madison Street, #5500  
Chicago, Illinois 60602  
Phone: (312) 236-9381  
Firm I.D. No. 31444



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

ALI NIMEH, )  
)  
Plaintiff, ) NO.  
vs. )  
)  
PENAUILLLE SERVISAIR LLC f/k/a GLOBE )  
GROUND NORTH AMERICA LLC; and )  
SERVISAIR LLC )  
)  
Defendants. )

**AFFIDAVIT**

The Affiant, Thomas G. Siracusa, being first duly sworn on oath, deposes and states:

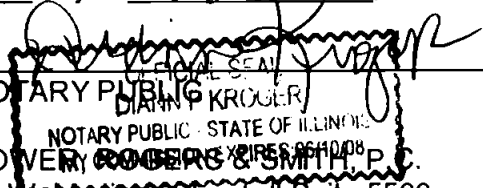
1. I am the attorney for the plaintiff in the above cause of action.
2. The money damages sought in this cause of action exceed \$50,000.00.

FURTHER AFFIANT SAYETH NOT.



THOMAS G. SIRACUSA

Subscribed and sworn to before me this  
11th day of March, 2008

  
NOTARY PUBLIC - STATE OF ILLINOIS  
DIANA KROGER  
POWER ROBERTS & SMITH, P.C.  
70 W. Madison Street, # Suite 5500  
Chicago, IL 60602  
Phone: 312-236-9381  
Attorney I.D. No. 31444

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ALI NIMEH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
PENAUILLÉ SERVISAIR LLC f/k/a GLOBE	)	
GROUND NORTH AMERICA LLC; and	)	
SERVISAIR LLC,	)	
	)	
Defendants.	)	

Affidavit of Dino Noto

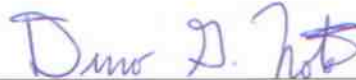
I, Dino G. Noto, do hereby I declare under penalty of perjury that the following is true and correct.

1. I am Vice President and General Counsel of Servisair LLC and as part of my duties, I am familiar with the organizational structure of this company.
2. Penauille Servisair LLC (formerly known as GlobeGround North America LLC) is the former legal name of Servisair LLC. The name having been changed in July of 2007.
3. **Penauille Holding Inc.,** a Delaware corporation (formerly known as LAGS "USA" Inc.) owns 35.8% of Servisair LLC. **Servisair Holding Corp.,** a Delaware corporation (formerly known as Hudson General Corp.) owns 64.2% of Servisair LLC.
4. This organizational structure has been in place since July 2001.
5. Since September of 2007, Penauille Holding, Inc. and Servisair Holding, Corp. both have their principal places of business at 151 Northpoint Drive, Houston, Texas.




6. Prior to September of 2007, Penauille Servisair LLC, Penauille Holdings, Inc. and Servisair Holdings, Inc. each maintained their principal place of business at 111 Great Neck Road, Suite 600, PO Box 355, Great Neck, New York.

FURTHER AFFIANT SAYETH NOT



Dino G. Noto  
Vice President and General Counsel,  
Servisair LLC

SUBSCRIBED AND SWORN TO  
before me this 9<sup>th</sup> day of April,  
2008.

  
Notary Public

